

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY BAYLOR, )  
Petitioner )  
v. ) Civil Action  
 ) No. 12-cv-02468  
MARIROSA LAMAS, )  
THE ATTORNEY GENERAL OF THE )  
STATE OF PENNSYLVANIA, and )  
THE DISTRICT ATTORNEY OF THE )  
COUNTY OF PHILADELPHIA, )  
Respondents )

## O R D E R

Now, this 18th day of September, 2014, upon  
consideration of the following documents:

1. [Amended] Petition for Writ of Habeas Corpus by a Person in State Custody, filed by petitioner pro se on June 28, 2012; together with
  - A. Amended Brief for Appellant;
2. Response to the Petition for Writ of Habeas Corpus, which response was filed by respondent The District Attorney of the County of Philadelphia on August 24, 2012; together with
  - A. Exhibits "A" and "B" (Documents 10-1 through 10-2);
3. [P]etitioner's Response to the Commonwealth's Response, which response was filed by petitioner pro se on September 7, 2012; together with
  - A. Exhibit "A";

4. Petitioner['s] Amend[ed] Petition in Response to the Commonwealth's Petition and Response, which amended petition in response was filed by petitioner pro se on December 19, 2012; and
5. Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski dated and filed November 26, 2013;

it appearing that no objections have been filed to the Report and Recommendation of Magistrate Judge Sitarski;<sup>1</sup> it further appearing after review of this matter that Magistrate Judge Sitarski's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Sitarski's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the petition for habeas corpus relief is dismissed without prejudice for petitioner to file a new timely petition for habeas relief if he is unable to obtain relief from state courts after exhausting his claims in his pending Pennsylvania Post Conviction Relief Act, 42 Pa.C.S.A. § 9541, petition.

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<sup>1</sup> Petitioner received a Notice accompanying the Report and Recommendation stating that petitioner was required to file any objections to the Report and Recommendation within fourteen days of service of the Notice and filing of the Report and Recommendation pursuant to Rule 72.1(IV)(b) of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania. The Notice was served and the Report and Recommendation was filed on November 26, 2013. Thus, any objections were required to be filed on or before December 10, 2013.

Because petitioner has not filed any objection as of the date of this order, I conclude that no objections were filed.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this procedural ruling debatable, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER

James Knoll Gardner

United States District Judge